

AMENDMENT AFTER FINAL

U.S. Appln. No. 09/842,637

IN THE CLAIMS:

Please enter the following cancellations, amendments and/or additions as follows:

Claim 1. (Cancelled).

Claim 2. (Previously Presented) The method as claimed in Claim 9, wherein said antibiotic in step (b) is selected from the group consisting of rifampicin, kanamycin, ampicillin and pyrazinamide.

Claim 3. (Currently Amended) The method as claimed in Claim 9, wherein in step (b) said concentration of said at least one antibiotic is 25 to 150 $\mu\text{g/ml}$ and said stationary-dormant phase culture contain 10^5 to 10^9 bacteria/ml. E

Claim 4. (Currently Amended) The method as claimed in Claim 9, wherein said bacterial~~bacteria~~ strain is selected from a strain in the group consisting of the species *Staphylococcus aureus*, *Escherichia coli*, *Haemophilus influenzae*, *Streptococcus pyogenes*, *Streptococcus gordonii* and *Mycobacterium tuberculosis*.

Claim 5. (Currently Amended) The method as claimed in Claim 9, wherein said bacterial~~bacteria~~ strain is a strain of the species *Mycobacterium tuberculosis* and said antibiotic in step (b) is rifampicin.

Claim 6. (Currently Amended) The method as claimed in Claim 9, wherein said bacterial~~bacteria~~ strain is a strain of the species *Escherichia coli* and said antibiotic in step (b) is kanamycin.

Claim 7. (Currently Amended) The method as claimed in Claim 9, wherein said bacterial~~bacteria~~ strain is a strain of

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the species *Staphylococcus aureus* and said antibiotic in step (b) is ampicillin.

Claim 8. (Cancelled).

Claim 9. (Currently Amended) A method for identifying whether a test compound has any antibacterial activity against stationary-phased dormant bacteria comprising the steps of:

(i) preparing a phenotypically antibiotic-resistant subpopulation of stationary-phased dormant bacteria according to the method comprising at least the steps of:

(a) growing an antibiotic-sensitive bacterial strain to stationary phase to obtain a stationary-dormant phase culture; and

(b) treating the resulting dormant phase culture with at least one antibiotic at a concentration and for a time sufficient to kill growing bacteria of said strain, and selecting a phenotypically antibiotic-resistant subpopulation;

(ii) incubating a sample of said phenotypically ~~antibiotic~~ antibiotic-resistant subpopulation with said test compound ~~or a composition~~ comprising said test compound; and

(iii) assaying whether said test compound ~~or composition~~ exhibits any antibacterial activity against said phenotypically antibiotic-resistant

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subpopulation so as to identify whether said test
~~compound-test~~ compound or ~~composition~~ has any
antibacterial activity against said stationary
dormant phase bacteria; ~~and optionally~~
(iv) ~~isolating said test compound from said~~
~~composition.~~

no error?

Claim 10. (Previously Presented) The method according to
Claim 9, further comprising the step of amplifying said test
compound.

Claims 11-19. (Cancelled)